

REMARKS

Claims 17 and 20 are canceled without prejudice, claims 32 to 45 are added, and therefore claims 16, 18 to 19 and 21 to 45 are now pending in the present application.

It is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants thank the Examiner for acknowledging the claim for foreign priority, and for indicating that all certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO 1449 paper and cited references.

Claims 16 to 31 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

While the subject matter rejections may not be agreed with, to facilitate matters, claim 16 has been rewritten to better clarify the claimed subject matter. For example, claim 16, as presented, includes the features of *a physical server and devices accessible to subscribers*, as provided for in the context of the presently claimed subject matter. Claims 17 and 20 are canceled without prejudice. Withdrawal of the rejections of claims 16 to 31 is therefore respectfully requested.

Claims 16 to 31 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

While the subject matter rejections may not be agreed with, to facilitate matters, claims 16 and 18 have been rewritten to better clarify the claimed subject matter. For example, claim 16, as presented, includes the features of *a physical server, devices accessible to subscribers, and a communications arrangement that links the physical server with the devices accessible to subscribers, a positioning arrangement that determines the position of the devices accessible to subscribers, and a memory*, as provided for in the context of the presently claimed subject matter. Claims 17 and 20 are canceled without prejudice. Withdrawal of the indefiniteness rejections of claims 16 to 31 is therefore respectfully requested.

Claims 16 to 20, 23, 27, 30 and 31 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0186144 ("Meunier").

As regards the anticipation rejections of the claims, to reject a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (See *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). As explained herein, it is respectfully submitted that the Office Action does not meet this standard, for example, as to all of the features of the claims. Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter. (See *Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)).

As further regards the anticipation rejections, to the extent that the Office Action may be relying on the inherency doctrine, it is respectfully submitted that to rely on inherency, the Office must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics *necessarily* flows from the teachings of the applied art." (See M.P.E.P. § 2112; emphasis in original; and see *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int'f. 1990)). Thus, the M.P.E.P. and the case law make clear that simply because a certain result or characteristic may occur in the prior art does not establish the inherency of that result or characteristic.

While the subject matter rejections may not be agreed with, to facilitate matters, claim 16 has been rewritten to better clarify the claimed subject matter. For example, claim 16, as presented, includes the features of claims 17 and 20, which are canceled without prejudice.

Claim 16, as presented, includes the features in which *the at least one server is configured to compare transportation requests, communicated to the server from at least one device accessible to interested parties, to transportation offerings, communicated to the server from at least one device accessible to suppliers; in which the at least one server is configured to determine whether any transportation requests match any transportation offerings and, in the case of a match, to communicate the match to the device accessible to interested parties that communicated the matching request; and in which the transportation offerings include a starting point, a destination point, and intermediate route information.*

It is believed and respectfully submitted that the "Meunier" reference does not identically disclose (nor even suggest) these presently claimed features. In particular, the

“Meunier” reference does not identically disclose (nor even suggest) *offerings that include a starting point, a destination point, and intermediate route information*, as provided for in the context of the presently claimed subject matter. The system and method for automating a vehicle rental process referred to by the “Meunier” reference does not take into account any *intermediate route information*, as provided for in the context of the presently claimed subject matter. Accordingly, the “Meunier” reference does not anticipate claim 16.

Accordingly, claim 16, as presented, is allowable, as are its dependent claims 18, 19, 23, 27, 30 and 31.

New claims 32 to 45 do not add any new matter and are supported by the present application, including the specification. New method claims 32 to 45 include features like those of claims 16, 18 to 19 and 21 to 31, as presented, respectively, and they are therefore allowable for essentially the same reasons.

Accordingly, pending claims 16, 18 to 19 and 21 to 45 are all allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all pending and considered claims 16, 18 to 19 and 21 to 45 are in condition for allowance. It is therefore respectfully requested that the rejections and objections be withdrawn. Since all issues raised by the Examiner have been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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